

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GEORGIA-PACIFIC CONSUMER PRODUCTS, LP,
FORT JAMES CORPORATION, and
GEORGIA-PACIFIC, LLC,

Plaintiffs,

v.

NCR CORPORATION,
INTERNATIONAL PAPER COMPANY, and
WEYERHAEUSER COMPANY,

Defendants.

Civil Action No. 1:11-cv-483

Judge Robert J. Jonker

**ORAL ARGUMENT
REQUESTED**

**DEFENDANT AND CROSSDEFENDANT WEYERHAEUSER COMPANY'S
MOTION FOR PARTIAL SUMMARY JUDGMENT ON STATUTE OF LIMITATIONS**

Defendant and Crossdefendant Weyerhaeuser Company (“Weyerhaeuser”), by its counsel and pursuant to Federal Rule of Civil Procedure 56 and the amended case management order dated August 13, 2014, (Dkt. No. 542), respectfully moves for partial summary judgment as to claims asserted by Plaintiffs Georgia-Pacific Consumer Products LP, Fort James Corporation and Georgia-Pacific LLC (collectively, “Georgia-Pacific”) in the First Amended Complaint (Dkt. No 80).

Georgia-Pacific filed the complaint in this matter on December 3, 2010. (Dkt. No. 1). Georgia-Pacific filed the First Amended Complaint on June 24, 2011, in which it asserted claims against Weyerhaeuser, NCR Corporation, and International Paper for past response costs under CERCLA Section 107, 42 U.S.C. § 9607, and Section 113, 42 U.S.C. § 9613. (Dkt. No. 80).

Pursuant to Federal Rule of Civil Procedure 56 and as explained in the accompanying brief and supporting documents, Weyerhaeuser is entitled to summary judgment as to Georgia-

Pacific's claims under CERCLA Section 113 related to costs allegedly incurred pursuant to administrative settlements signed by Georgia-Pacific on February 21, 2007.

Pursuant to Rule 7.1(d) of Local Rules of Practice and Procedure of the United States District Court for the Western District of Michigan, counsel for Weyerhaeuser communicated with counsel for Georgia-Pacific regarding this motion for partial summary judgment. Georgia-Pacific intends to oppose this motion.

Weyerhaeuser requests oral argument on this motion.

THEREFORE, for the reasons set forth above and in the accompanying brief and supporting documents, Weyerhaeuser requests that the Court grant this motion, enter partial summary judgment in favor of Weyerhaeuser as to Georgia-Pacific's claims for past costs, and grant Weyerhaeuser all other appropriate relief.

DATED: March 13, 2015

WEYERHAEUSER COMPANY

By: /s/ Margaret C. Hupp

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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2015 I served the foregoing using the CM/ECF system which will cause an electronic copy to be served on counsel of record authorized to receive such CM/ECF system filings.

/s/ Margaret C. Hupp